

Assembly Bill No. 1889

Passed the Assembly August 28, 2006

Chief Clerk of the Assembly

Passed the Senate August 23, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 8575, 8576, 8579, 8612, and 8613 of, to amend and renumber Sections 8580 and 8581 of, and to add Section 8581.5 to, the Government Code, and to amend Section 3211.91 of the Labor Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, Nava. California Emergency Council.

Existing law creates the California Emergency Council, consisting of a specified membership and specified duties, including duties with regard to the certification of local disaster councils and the classification of disaster service workers.

This bill would also require the membership of the council to include a representative of a local public health agency, to be appointed by the Governor, would require the council to have 2 advisory committees with specified memberships and duties, and would include the encouragement of certain community, business, and school preparedness efforts and the publication of a biennial report on emergency preparedness, among the council's duties. It would require the Office of Emergency Services to provide staff support to the Emergency Council as necessary, and to perform the duties currently performed by the council with respect to the certification of local disaster councils and the classification of disaster service workers. It would also require the Office of Emergency Services to provide notice to Emergency Council members with respect to any state of emergency declared by the Governor when the council is not meeting.

The people of the State of California do enact as follows:

SECTION 1. Section 8575 of the Government Code is amended to read:

8575. (a) There is hereby created a California Emergency Council, to consist of all of the following members:

- (1) The Governor, or an alternate appointed by him or her.

(2) The Lieutenant Governor, or an alternate appointed by him or her.

(3) The Attorney General, or an alternate appointed by him or her.

(4) One representative of the city governments of the state and one representative of the county governments of the state, to be appointed by the Governor and to serve at his or her pleasure, except that these members shall be from different counties.

(5) One representative of the American National Red Cross, to be appointed by the Governor.

(6) One representative of the city or county fire services of the state and one representative of the city or county law enforcement services of the state, to be appointed by the Governor and to serve at his or her pleasure, except that these members shall be from different counties.

(7) One representative of a local public health agency, to be appointed by the Governor and to serve at his or her pleasure.

(b) The President pro Tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Emergency Council to the same extent as members of the council appointed by the Governor, except when that participation is constitutionally incompatible with their respective positions as Members of the Legislature.

(c) If the President pro Tempore of the Senate does not desire to serve on the Emergency Council, the Senate Rules Committee may appoint a Member of the Senate to serve in his or her stead. If the Speaker of the Assembly does not desire to serve on the Emergency Council, he or she may appoint a Member of the Assembly to serve in his or her stead.

SEC. 2. Section 8576 of the Government Code is amended to read:

8576. (a) The Governor shall be ex officio Chairperson of the Emergency Council.

(b) The Office of Emergency Services shall provide staff support to the Emergency Council as necessary.

SEC. 3. Section 8579 of the Government Code is amended to read:

8579. (a) It shall be the duty of the Emergency Council, and it is hereby empowered, to act as an advisory body to the Governor in times of emergency and with reference thereto in

order to minimize the effects of those occurrences by recommending ameliorative action.

(b) The powers and duties of the Emergency Council shall include all of the following:

(1) To consider, recommend, and approve orders and regulations that are within the province of the Governor to promulgate.

(2) To consider and recommend to the Governor for approval the boundaries of any mutual aid regions of the state as may be designated.

(3) To recommend to the Governor the assignment of any responsibility, service, or activity relative to emergencies or emergency planning to a state agency having duties related to that responsibility, service, or activity.

(4) To consider and recommend the creation by the Governor of advisory committees in order to make civilian participation and cooperation in emergency planning and activities available to the state.

(5) To consider and recommend the expenditures of moneys appropriated for any of the objectives or purposes of this chapter.

(6) To consider and recommend to the Governor for approval a State Emergency Plan built around mutual aid and the integration into that plan of the several state agencies whose resources are necessary in coping with emergencies.

(7) To encourage the development and maintenance of emergency plans based on mutual aid, whereunder political subdivisions may most effectively protect life and property and mitigate other effects of emergencies.

(8) To evaluate and report to the Governor on state communications systems with particular regard to their adequacy in case of emergency.

(9) To encourage the individual and integrated emergency preparedness efforts of communities, businesses, and schools.

(c) (1) The Emergency Council shall, at a minimum, have the following two standing advisory committees, with members selected by the Governor:

(A) An advisory committee composed of representatives of volunteer organizations that aid or prepare their communities for potential disasters.

(B) An advisory committee composed of the business leaders representing businesses in the state that will work in partnership with government to prepare businesses and communities for potential disasters.

(2) The duties of the advisory committees shall include, but not be limited to, all of the following:

(A) Developing and promoting statewide initiatives and programs to better prepare communities, businesses, and schools to survive disasters.

(B) Advising the Emergency Council on how public, private, and nonprofit entities can provide resources, assets, personnel, volunteers, and any other relevant services to fully integrate the private sector into the state's emergency preparedness, mitigation, response, and recovery plans.

(C) Advising the Emergency Council on appropriate agreements to provide for quick access to emergency supplies and services in order to minimize the need to stockpile those supplies.

(3) The members of the advisory committees shall receive no compensation for their service.

(d) When the Emergency Council is not meeting, the Office of Emergency Services shall provide notice to the members of the council of any state of emergency proclaimed by the Governor pursuant to Section 8558, as soon as practical after the issuance of the proclamation. The notification shall include the status of emergency activities.

SEC. 4. Section 8580 of the Government Code is amended and renumbered to read:

8585.5. The Office of Emergency Services shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The Office of Emergency Services shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the payment of workers' compensation.

SEC. 5. Section 8581 of the Government Code is amended and renumbered to read:

8585.7. The Office of Emergency Services may certify the accredited status of local disaster councils, subject to the requirements of Section 8612.

SEC. 6. Section 8581.5 is added to the Government Code, to read:

8581.5. The Emergency Council shall publish a biennial report on the state of emergency preparedness for catastrophic disasters. This report shall include information from the after action analysis of disasters in the preceding two years, research directed by the Emergency Council, and surveys of local and state emergency response agencies. The biennial report shall also include a summary of strategic actions necessary to address identified gaps in emergency preparedness and an evaluation of previous efforts to close gaps identified in previous reports, audits, and independent analyses.

SEC. 7. Section 8612 of the Government Code is amended to read:

8612. Any disaster council that both agrees to follow the rules and regulations established by the Office of Emergency Services pursuant to Section 8585.5 and substantially complies with those rules and regulations shall be certified by the office. Upon that certification, and not before, the disaster council becomes an accredited disaster council.

SEC. 8. Section 8613 of the Government Code is amended to read:

8613. Should an accredited disaster council fail to comply with the rules and regulations of the Office of Emergency Services in any material degree, the office may revoke its certification and, upon the act of revocation, the disaster council shall lose its accredited status. It may again become an accredited disaster council in the same manner as is provided for a disaster council that has not previously been accredited.

SEC. 9. Section 3211.91 of the Labor Code is amended to read:

3211.91. "Accredited disaster council" means a disaster council that is certified by the Office of Emergency Services as conforming with the rules and regulations established by the office pursuant to Article 10 (commencing with Section 8610) of Chapter 7 of Division 1 of Title 2 of the Government Code. A disaster council remains accredited only while the certification of the Office of Emergency Services is in effect and is not revoked.

Approved _____, 2006

Governor